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MARGER JOHNSON & McCOLLOM, P.C.
1030 SW MORRISON STREET
PORTLAND, OR 97205

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OFFICE OF PETITIONS

In re Application of :
Schienbein et al. :
Application No. 10/600,236 :
Filed: June 19, 2003 :
Attorney Docket No. 2443-018 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to timely reply to the non-final Office action mailed August 9, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on November 10, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1020.00 extension of time fee submitted with the petition on February 14, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This matter is being referred to Technology Center 2800 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.


Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy